

DATE: August 25, 2003

TO: Senator Alan L. Cropsey, Chair
Senate Appropriations Subcommittee on Corrections
Representative Mike Pumford, Chair
House Appropriations Subcommittee on Corrections

FROM: Patricia L. Caruso, Director

SUBJECT: Prison Population Projections

Section 401 of 2002 P.A. 524 requires the Department to submit 3 and 5 year prison population projections. As you know, in February of this year, former Director William Overton advised you that in order to reduce the likelihood of running out of prison beds, the Department was developing a series of statutory and administrative recommendations for consideration by the Executive Office. The recommended changes would address either the number of offenders coming to prison or the length of time they are incarcerated, or both. Former Director Overton also indicated that we would issue revised projections, taking into account the measures ultimately adopted, as soon as a course of action was determined. I am pleased to report that since the first and second phases of the Department's three phase Five-Year Plan to Control Prison Growth are being implemented, revised prison population projections have been completed and are attached. Elements of the first two phases of the Five Year Plan that are designed to control growth include:

- Increasing the use of community-based sanctions for technical parole violators.
- Reducing prison intake of targeted groups of offenders serving short sentences.
- Expanding Community Residential Programs (CRP) from the current pre-parole program (no longer authorized for offenders subject to the Truth in Sentencing law) to a post-ERD (Earliest Release Date) program for selected prisoners serving sentences for only nonviolent crimes, for whom the Parole Board concurs in CRP placement prior to the next parole hearing.
- Expanding Michigan's Drug Courts that target offenders who would otherwise be sentenced to prison.
- Improving the use of the County Jail Reimbursement Program by reducing the number of drunk drivers in jail and using the jail space for otherwise prison bound felons.

As a result of these measures, this prison population forecast is significantly lower than the one issued in December 2002. The prison population is down by 1.2% in 2003 through July -- the first extended period of reduced prison population in Michigan since 1983-84. The primary reasons for this decline, and the differences from the 2002 projections (which were based on an unchecked continuation of trends at the time) include:

- A 16% increase in moves to parole through July (1,002 more), due to increased parole decisions, increased supervision resources, and a modest increase in the parole approval rate.

The 2002 projection assumed a continuation of the 2002 parole approval rate and number of Board decisions, thus expecting a relatively constant number of moves to parole.

- A 45% decrease in technical parole violator returns to prison through July (967 fewer) – despite an 8% increase in the size of the parole population this year (1,306 larger) – as a result of the Department's efforts to utilize community-based sanctions, control and treatment options for technical parole violators.

The 2002 projection assumed a continuation of the annual increases in technical parole violator returns to prison that had occurred in 9 of the past 12 years (including the last two).

- A 5% decrease in prison intake through July (344 fewer), mostly probation violators, due to collaborative efforts between the Department and local justice officials to use community corrections options as much as possible.

The 2002 projection assumed a continuation of annual prison intake at the record level experienced in 2002.

These trends experienced so far in 2003 are projected to moderate over time, and prison population growth is expected to resume by 2004, although at a slower pace than the 4.5% increase that occurred in 2002. The initial impact of the Five Year Plan cannot be sustained without additional longer-term measures to supplement the first two phases of the Plan. By early 2005, a prison bed shortage is once again anticipated unless additional longer-term components of the plan are in place, such as collaboration with the Legislature on adjusting Michigan's sentencing guidelines. However, critical differences exist between the need for male and female bed space and the opportunities and options to respond to those needs.

- For male prison beds, the expanded CRP is expected to have a relatively high impact because 84% of the 800 prisoners in the expanded program are expected to be male inmates. Because the program is focused on prisoners serving sentences for only nonviolent crimes, 16% of the 800 prisoners in the expanded program are expected to be females (which is a higher percentage than the 4% that women represent in the institution/camp population), but that is still a small number from bed space perspective.
- For male prison beds, if the Legislature does not enact changes to Sentencing Guidelines and other long term measures that will continue to contain prison growth, the option exists to re-open the moth-balled Michigan Reformatory and Jackson Maximum prisons. For female inmates, no such options exist since we have no vacant, female housing in reserve.

Given the minimum of 12–14 months lead time for new housing units, and an even more protracted time frame for renovations, the Department is perilously close to running out of time to react to the challenge of the 2005 run out date for female beds. The margin of vacant beds for female prisoners has been very small. With fewer than 100 vacant female beds, a two or three month period of higher than projected intake could easily consume all vacant beds.

Finally, one long-term, phase three component of the Five Year Plan that is in the early stage of implementation is our effort to improve parole guidelines and the parole process. Michigan has received technical assistance grants from both the National Institute of Corrections and the National Governor's Association to help develop and institute Michigan's "Transition from Prison to Community Initiative" (TPCI). The TPCI is aimed at reducing the costly recidivism rate through a comprehensive range of improvements -- such as better offender risk assessment and risk management, parole decision making, prisoner preparation for release, community services and supervision, and substance abuse relapse prevention. The TPCI is expected to take several years to fully develop and implement, and thus is not expected to have impact on the prison system until after 2005.

In conclusion, notwithstanding the successes of the first two phases of the Five Year Plan, if the third phase is not successful -- particularly the adjustment of legislative sentencing guidelines - funds will have to be appropriated for FY 2005 to open the moth-balled male prison beds that the Department has in reserve, and either female capacity will have to be expanded or a dramatic shift in the number of female prisoners will have to take place.

We will monitor the accuracy of these projections and the factors driving prison population change very closely and projections will be adjusted in the event that major changes occur in the justice system that are not anticipated at this time. Meanwhile, work continues toward developing and implementing the longer-term strategies of the Five Year Plan to Control Prison Growth in time to extend the next projected out-of-beds date beyond early 2005. We look forward to collaborating with you on this third phase of the Plan.

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PRISON POPULATION PROJECTIONS

Revision Date: August 2003

Review of intake and release trends in the first seven months of calendar year 2003 compared to 2002 shows that investments in administrative and statutory measures to control prison population growth are paying dividends. On the heels of 4.5% growth in the prison population in 2002 (+2,142 inmates), the trend has been reversed with a decline of 1.2% through July of this year (-589 inmates). As will be discussed further below, among the primary factors driving this abrupt change in trend were a reduction in the number of technical parole violators returned to prison, increased releases of existing prisoners to parole, and a modest decline in prison admissions from the record level experienced in 2002. It is unlikely that these factors alone can push the prison population much lower, or even maintain zero growth, for a variety of reasons described below. But the gains achieved so far, as well as additional measures included in the Five Year Plan to Control Prison Growth, are enabling the Department to hold remaining male prison beds in reserve while delaying the out-of-beds date into early 2005.

Corrections Trends

Thorough examination through July of the trends and factors that drive prison population change shows a significant moderation in the factors that had been accelerating growth in the past 3 years. These new trends are expected to continue to keep prison population growth in check relative to prison capacity through the end of 2004.

Prison Intake

Through July, prison intake has decreased by 5% compared to the same period in 2002. While this is a considerable departure from the 15% increase that occurred between 2001 and 2002, prison intake is down by less than 350 total offenders so far. Consequently, it is premature to conclude that prison intake will stay down from the record level reached in 2002. Since intake has increased for three consecutive years, the prudent approach is to include in the projections an assumption that intake growth will resume at a moderate pace during the remainder of the year. One factor that drives this assumption is the element of the Five Year Plan to apprehend violent fugitives. Thus far in Fiscal Year 2004, 200 of the most dangerous fugitives have been apprehended and returned to prison. This effort will continue. Another factor that drives this assumption is that the element of the Five Year Plan to retain higher numbers of “short-termers” (those sentenced to two years or less) in community sanctions such as inpatient drug treatment or jail cannot likely be sustained due to increased crowding of local jails. Without sufficient jail space, efforts to keep more offenders locally will falter.

Community Residential Programs (CRP) Population

The pre-parole CRP population has continued to decline due to the Truth in Sentencing law that prohibits placement of prisoners into the program until after the minimum sentence has been served in an institution or prison camp. Through July, the CRP population has dropped by 43% (from 1,132 to 645). It is expected to continue to decline this month, after which the expanded CRP with the post-ERD (Earliest Release Date) program component will begin. This will be for selected prisoners who are serving sentences for only nonviolent

crimes and for whom the Parole Board concurs in CRP placement in advance of the next parole hearing. Because the majority of potentially eligible inmates will be paroled before becoming eligible for a post-ERD program, the expanded CRP is expected to maintain an ongoing population of only about 800 prisoners.

Parole

Moves to parole have increased by 16% through July of this year, due to nearly 1,000 more parole decisions than last year at this time, as well as increased parole supervision resources and a modest 3% increase in the parole approval rate. Over time, the revised prison population projections assume that both the parole approval rate and the number of transfers to parole will gradually moderate back toward the 2002 figures.

Parole Violator Technical Returns to Prison

Despite an 8% increase in the parole population in the first seven months of 2003, the Department of Corrections has managed to reduce the number of parole violator (PV) technical returns to prison by 45% (from 2,160 to 1,198) compared to the same period last year. This is being accomplished under the Five Year Plan by increasing the number of parolees who are placed into community-based sanctions, control and treatment options. This was accomplished by aggressively managing the parole supervision system, sending clear communication to parole agents to use other sanctions besides prison to respond to non-criminal, negative behavior by parolees.

It will be difficult to keep the number of parole violator technical returns to prison as low as they have been so far this year, especially as the parole population continues to grow and as the Department's efforts intensify to apprehend violent fugitives. Thus, the revised prison population projections assume a gradual return to somewhat higher - but still much reduced - numbers of PV technical returns.

Prison Population Projections and Bedspace

Chart 1 summarizes the revised prison population projections through 2007, and shows the abrupt shift in trend that resulted from the factors discussed above. Table 1 (quarterly figures) and Table 2 (monthly figures) show the specific revised projection figures.

In conclusion, the Five Year Plan to Control Prison Growth has successfully pushed the run out date of prison beds to early 2005. Given the extremely tight State budget, the accuracy of these projections and the trends driving prison population change will be monitored closely, and the revised projections will be adjusted if necessary.

Chart 1

Michigan Department of Corrections PROJECTED PRISON POPULATION

